

HAWAII

DEPARTMENT OF TRANSPORTATION

AIR AND WATER TRANSPORTATION FACILITIES DIVISIONS

GENERAL PROVISIONS FOR CONSTRUCTION PROJECTS 1977

ARTICLE I—DEFINITIONS AND TERMS

Wherever in these specifications or in other contract documents the following terms or pronouns in place of them are used the intent and meaning shall be interpreted as follows:

1.1 ABBREVIATIONS—Wherever the following abbreviations are used in these specifications or on the plans, they are to be construed the same as the respective expressions represented:

A.A.S.H.T.O.	— American Association of State Highway Transportation Officials
A.S.T.M.	— American Society for Testing Materials
A.W.S.	— American Welding Society
A.W.P.A.	— American Wood Preservers' Association
A.W.W.A.	— American Water Works Association
F.A.A.	— Federal Aviation Administration
H.R.S.	— Hawaii Revised Statutes
N.E.C.	— National Electric Code
N.E.M.A.	— National Electrical Manufacturers Association
N.F.P.A.	— National Fire Protection Association
U.L.	— Underwriters' Laboratory

1.2 ADVERTISEMENT—The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished.

1.3 AWARD—The acceptance by the State of a proposal.

1.4 BIDDER—Any individual, partnership, corporation or other legal entity, or combination thereof, submitting a proposal for the work contemplated, acting either directly or through a duly authorized representative.

1.5 CALENDAR DAY—Every day shown on the calendar. If no designation of calendar or working day is made, "day" shall mean calendar day.

1.6 CONTRACT—The written agreement between the State and the Contractor setting forth the obligations of the parties thereunder, including, but not limited to, the performance of the work, the furnishing of labor and materials, and the basis of payment.

The contract includes the notice to bidders, instructions to bidders, proposal, contract form and contract bond, specifications, special provisions, general and detailed plans, notice to proceed, and change orders that are required to complete the construction of the work in an acceptable manner, all of which constitute one instrument.

1.7 CONTRACT BOND—The approved form of security, executed by the Contractor and his Surety or Sureties, guaranteeing the completion of the work in accordance with the terms of the contract, and guaranteeing full payment of all claims for labor, materials, and supplies used or incorporated in the work.

1.8 CHANGE ORDER—A written order issued by the Director to the Contractor, covering changes in the plans, quantities or both, within the scope of the contract, establishing the basis of payment and time adjustments for the work affected by the changes. A change order is also a written order concerning the performance of work and/or the furnishing of materials involving extra work. Such extra work may be performed at agreed prices or on a force account basis as provided elsewhere in these specifications. A change order signed by all the parties to the contract is a supplemental agreement.

1.9 CONTRACT ITEM (PAY ITEM)—A specifically described unit of work for which a price is provided in the contract.

1.10 CONTRACT TIME—The number of working days or calendar days allowed for completion of the contract, including authorized time extensions.

In case a calendar date of completion is shown in the proposal in lieu of the number of working days, the contract shall be completed by that date.

1.11 CONTRACTOR—The individual, partnership, corporation or other legal entity, or combination thereof, contracting with the State for performance of the prescribed work.

1.12 DEPARTMENT—The State Department of Transportation.

1.13 DIRECTOR—The Director of Transportation, acting either directly or through his duly authorized representative.

1.14 EQUIPMENT—The machinery, apparatus and tools, together with the necessary supplies for their upkeep and maintenance, necessary for the proper prosecution and acceptable completion of the work.

1.15 HOLIDAYS—The days which are set apart and established as State holidays pursuant to Section 8-1, H.R.S.

1.16 INSPECTOR—The Director's authorized representative assigned to make detailed inspections of contract performance and materials supplied.

1.17 LABORATORY—The testing laboratory of the Department or any other testing labo-

ratory which may be designated by the Director.

1.18 MATERIALS—Any substances specified for use in the prosecution of the work.

1.19 MAJOR CONTRACT ITEM—Any contract item of which the total cost as determined by multiplying the proposal quantity and the original contract unit price for that item is equal to or greater than \$25,000 or 5 per cent of the total contract price, whichever is less. Lump sum bids for proposal items or for the project as a whole are not included under this definition.

1.20 MINOR CONTRACT ITEM—Any contract item which is not a major contract item as defined above is a minor contract item. Items appearing as minor items in the original proposal shall be construed as becoming major items when they are increased to the extent that the total cost of the item is equal to or greater than \$25,000 or 5 per cent of the total original contract cost, whichever is less. Lump sum bid items are not included under this definition.

1.21 NOTICE TO BIDDERS—The advertisement for proposals for all work or materials on which bids are required. Such advertisement will indicate with reasonable accuracy the estimated quantity and the location of the work to be done or the character and estimated quantity of the material to be furnished and the time and place of the opening of proposals.

1.22 NOTICE OF AWARD—A written notice from the Director to the successful bidder stating that his proposal has been accepted.

1.23 NOTICE OF FINAL ACCEPTANCE—Written notice from the Director to the Contractor that the entire contract which has been completed in all respects in accordance with the plans, specifications, and any changes thereof previously authorized is accepted.

1.24 NOTICE TO PROCEED—Written notice to the Contractor to proceed with the contract work including the date of beginning of contract time.

1.25 PLANS—The approved plans, profiles, typical cross sections, working drawings and supplemental drawings, or reproductions thereof, which show the location, character, dimensions, and details of the work to be done.

1.26 QUALIFICATION QUESTIONNAIRE—The specified forms on which the Bidder shall furnish required information as to his ability to perform and finance the work.

1.27 PROPOSAL (OR BID)—The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

1.28 PROPOSAL FORM—The approved format prepared by the Department or a facsimile thereof on which bids for the work must be prepared and submitted. (Reasonable facsimile acceptable for bidding.)

1.29 PROPOSAL GUARANTY—The security furnished with a bid to guarantee that the bidder will enter into the contract and furnish all other requirements if his bid is accepted.

1.30 SPECIAL PROVISIONS—Revisions to the specifications.

1.31 SPECIFICATIONS—The directions, provisions, and requirements pertaining to the method and manner of performing the work and to the quantities and qualities of materials to be furnished under the contract, which are revised by the Special Provisions.

1.32 SPECIFIED COMPLETION DATE—The date by which the work must be completed.

1.33 STATE—The State of Hawaii.

1.34 SUBCONTRACTOR—An individual, partnership, corporation, other legal entity, or any combination thereof, that enters into an agreement with the Contractor to perform a portion of the work for the Contractor.

1.35 SUPERINTENDENT—The Contractor's representative who is responsible for and in charge of the work.

1.36 SURETY—The corporation, partnership or individual, other than the Contractor, executing a bond furnished by the Contractor and guaranteeing performance by the Contractor.

1.37 TITLES (OR HEADINGS)—The titles or headings of the articles and sections herein are intended for convenience of reference and shall not be considered as having any bearing on their interpretation.

1.38 WORK—The furnishing of all labor, materials, equipment, and other incidentals necessary or convenient for the successful completion of the project and the execution of all the duties and obligations imposed by the contract.

1.39 WORKING DAY—A calendar day, which is not a Saturday, Sunday or State holiday, on which weather and other conditions not under the control of the Contractor permit operations to proceed for the major part of the day with normal working force engaged in performing the controlling item or items of work which would be in progress at that time.

1.40 WORKING DRAWINGS—Stress sheets, shop drawings, erection plans, falsework plans, framework plans, cofferdam plans, bending diagrams for reinforcing steel, or any other supplementary plans or similar data which the contractor is required to submit to the Director for approval.

1.41 —In order to avoid cumbersome and confusing repetition of expressions in these specifications, it is provided that whenever anything "is, or is to be done," "if, as, upon, or, when," or where "contemplated, required, determined, directed, specified, authorized, ordered, given, designated, indicated, considered necessary, deemed necessary, permitted, reserved, suspended, established, approval, approved, disapproved, acceptable, unacceptable, suitable, accepted, satisfactory, unsatisfactory, sufficient, insufficient, rejected, or condemned," it shall be understood as if the expression were followed by the words "by the Director," "to the Director," or "of the Director."

1.42 —Unless otherwise indicated, whenever the word "Article" or "Section" is used reference is being made to an article or section in these specifications.

1.43 —Reference to federal, state, and city and county laws, ordinances, rules and regulations, and standard specifications, include amendments effective as of the date of the call for sealed tenders.

ARTICLE II—PROPOSAL REQUIREMENTS AND CONDITIONS

2.1 CONTRACTOR'S LICENSE—Attention is directed to the provisions of Chapter 444, H.R.S., regarding the licensing of contractors in the State.

Except for projects involving federal funds and except where a contractor's license is not required, a bidder must have the required contractor's license before he submits his proposal. In a project involving federal funds, a bidder need not have a contractor's license at the time of the submission of his proposal, but he must have the required license before the contract will be awarded to him in case he is the successful bidder.

2.2 QUALIFICATION OF BIDDERS—Prospective bidders must be capable of performing the work for which bids are called.

Pursuant to Section 103-25, H.R.S., each bidder shall file at the Programs and Contracts Office, Department of Transportation, Aliiainmoku Hale, 869 Punchbowl Street,